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10/526,551	05/11/2006	Lutz Eckstein	095309.55979US	9231
23911	7590	08/03/2010	EXAMINER	
CROWELL & MORING LLP			PECHIE, JORGE O	
INTELLECTUAL PROPERTY GROUP				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,551	<b>Applicant(s)</b> ECKSTEIN ET AL.
	<b>Examiner</b> Jorge O. Peche	<b>Art Unit</b> 3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 May 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 13-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/GS-68)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

Receipt is acknowledged of Applicant's argument/remarks filed May 19, 2010, claims 1-27 are pending and an action on the merits is as follows.

Applicant's arguments with respect to claims 1-27 have been fully considered but are moot in view of the same ground(s) of rejection. Applicant has amended claims 20-21, 25.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 15-20, and 22-27 are rejected under 35 U.S.C. 102 (b) as being unpatentable over **Passmann et al. (Wireless Vehicle to Vehicle Warning System, Society of Automobile Engineers, document No.: 2000-01-1307, March 2000)**.

Regarding **claims 13, 15, 19, 20 and 22-24**, Passmann et al. disclose a wireless vehicle warning system (*a radio-based device*) for generating an alert message (*hazard warning information*) to a vehicle (2) user (*a driver of a receiving vehicle having a data*

*receiver). A vehicle (1), involved in a traffic jam or accident, generates an alert message (*hazard data / a data transmitter of at least one other vehicle / a data transmitter which, when activated outputs data to issue warnings of hazard to other vehicle*), and vehicle (2) has an antenna, a transceiver-unit, and a digital signal processing (*data receiver*) for receiving and evaluating the alert message from vehicle (1) (see page 149, system description; page 151, system principle and components; Figures 1-4).* Wherein:

- received alert message includes information regarding vehicle's (1) / vehicles' heading, GPS-position, and speed / acceleration (*position, speed and direction of travel of the at least one other vehicle / the transmitting vehicle*) (see page 151, signal generation and signal evolution; Figures 1-5).
- based on the received alert message from vehicle (1) / vehicles and vehicle (2) navigation information (*vehicle's heading, speed, and acceleration*), a DSP- unit and a filter, within the vehicle (2), check whether the road type used by the transmitting vehicle (1) is the same as the receiver vehicle (2) and whether the vehicle (1) is ahead of vehicle (2) (*a relevance measure is determined in the receiving vehicle, which relates to whether the at least one other vehicle is located on a section of road lying ahead of the receiving vehicle*) (see page 151, system principle and components, signal generation, signal evaluation, Figures 1-5).
- the DSP- unit / filter continuously determine whether the received alert message is relevant or not relevant (*correct warning to display and incorrect*

*warning to be terminated), to communicate the vehicle (2) user (hazard warning information is output), in accordance to the road type used by the transmitting vehicle (1) / vehicles and the receiving vehicle (2) (a chronological profiles) (see page 151, system principle and components, signal generation, signal evaluation, Figures 1-5).*

Regarding **claims 16-18**, Passmann et al. disclose the received alert message (*wherein the relevance measure is determined from the received data*) comprising a position of vehicle (1) (*a position chain*) involved in an accident, and wherein the future position of vehicle (2) is estimated in accordance to the route trajectory and information of Figure 1 (*a future route*) (see page 149, system description; Figure 1).

Regarding **claims 25-27**, the method of issuing hazard warning information to a driver of a receiving vehicle, they are rejected for similar reasons are stated on **claims 13 and 17-18**.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Passmann et al.** (Wireless Vehicle to Vehicle Warning System, Society of Automobile Engineers, document No.: 2000-01-1307, March 2000) in view of **Schuessler (WO 01/61668 A1) (Translation Pub No.: US 2003/0090392 A1)**.

Regarding **claim 14**, Passmann et al. is silent regarding the claim limitations.

However, Schuessler teaches a device for warning the driver of a motor vehicle of danger by radio comprising a hazard warning signal (*chronological profile /relevance measure*) to be stored and displayed to the driver until the location of the source of the hazard has been passed (see page 2, par. 17 and 26).

Given the teaching of Schuessler, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Passmann's invention to incorporate within the vehicle warning system a process for storing and displaying a hazard warning signal to the driver until the location of the source of the hazard signal has been passed.

Doing so would enhance a wireless warning system capable to store relevant hazard warning signal and ignore those signals generated outside the warning zone of a motor vehicle (2).

Regarding **claim 21**, Passmann et al. is silent regarding the claim limitations.

However, Schuessler teaches a device for warning the driver of a motor vehicle of danger by radio comprising a hazard warning signal (*correct warning signal*) to be stored and displayed to the driver until the location of the source of the hazard signal

has been passed (*previously signaled hazard warning information is no longer applicable*). Under this process, the previous hazard warning signal become a no-hazard warning signal (*incorrect warning*) after the location of the source of the hazard signal has been passed, wherein the vehicle's user is informed of this result by no longer displaying the hazard message (see page 2, par. 17 and 26).

Given the teaching of Schuessler, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Passamann's invention to incorporate within the vehicle warning system a process for displaying a hazard warning signal to the driver until the location of the source of the hazard signal has been passed

Doing so would enhance a wireless warning system capable to store relevant hazard warning signal and ignore those signals generated outside the warning zone of a motor vehicle (2).

#### ***Response to Argument***

In the Applicant's arguments filed May 19, 2010, with respect to the rejections of claims 13, 15-19-20, and 22-27 under 35 U.S.C. 102 (b) as being unpatentable over Passmann et al. and claims 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Passmann et al. in view of Schuessler (WO 01/61668 A1) (Translation Pub No.: US 2003/0090392 A1) have been fully considered but are not persuasive.

Regarding Applicant's arguments with respect to "chronological profile" (page 9, par. 3; page 11, par. 2; page 12, par. 2), the Examiner respectfully disagrees. A thought

reading of Passmann et al. reference reveals that what is argued is clearly supported. The Examiner thanks the Applicant's representative for citing paragraphs [13] and [32] of the specification to describe Applicant invention, and although a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitation contained in the specification into the claims. The Applicant is kindly invited to consider the reference as a whole and for this argument, concentrate on Passmann et al.' page 151, system principle and components, signal generation, signal evaluation, Figures 1-5. Under these sections, Passmann et al. disclose a method for determining the relevance of the alert message received (*creating a chronological profile of the relevance measure*) by (1) comparing the input information with the current own driving situation, (2) checking if the road type the transmitting vehicle is using is the same as the type, and checking if the transmitter is ahead or behind the receiver. Applicant is kindly invited to consider the above Office Action to view the ground of rejection.

Regarding Applicant's arguments with respect to "the speed of the transmitting vehicle" (page 10, par. 3) "While it is arguably inferred from Figure 5 that the message includes heading information and vehicle location, nothing in Passmann et al contains any mention of the speed of the transmitting vehicle as a component of the alert message." The Examiner respectfully disagrees. A thought reading of Passmann et al. reference reveals that what is argued is clearly supported. The Applicant is kindly invited to consider the reference as a whole and for this argument, concentrate on Passmann et al.' page 151, system principle and components, signal generation, signal

evaluation, Figures 1-5. Under these sections, Passmann et al. disclose a warning system and method for generating an alert message by using input signal provided by the vehicle system or by additional sensors included, e.g. warning flasher, acceleration, GPS – position, and other sensor signal. These signals are continuously processed by the DSP unit, which is able to detect and classify critical condition and generate an alert message when a condition is detected. The generated alert message can include the vehicle acceleration signal and GPS data. Applicant is kindly invited to consider the above Office Action to view the ground of rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge O. Peche whose telephone number is (571)270-1339. The examiner can normally be reached on 8:30 am - 5:30 pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge O Peche/

Examiner, Art Unit 3664

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664